

**From:** [Wolf, Lindsey](#)  
**To:** [Heard, Bradley \(CRT\)](#)  
**Cc:** [Whitley, David](#); [All Corpus Christi Section 2 Case Group](#); [Shapiro, Avner \(CRT\)](#); [Gear, Bruce \(CRT\)](#); [Freeman, Daniel \(CRT\)](#); [bdonnell@dakpc.com](#); [Westfall, Elizabeth \(CRT\)](#); [Rosenberg, Ezra](#); [Maranzano, Jennifer \(CRT\)](#); [Clay, Reed](#); [Dellheim, Richard \(CRT\)](#); [Berman, Robert \(CRT\)](#); [King, Ryan \(CRT\)](#); [Baldwin, Anna \(CRT\)](#); [Scott, John](#); [Deason, Whitney](#)  
**Subject:** Re: Veasey v. Perry - 30(b)(6) Dep of US and Defendants" Motion to Compel  
**Date:** Thursday, August 14, 2014 10:46:15 PM

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Brad:

This e-mail responds to your letter dated August 13, 2014. The United States' letter refers to two categories of information: (1) resolved and pending prosecutions; and (2) non-prosecuted allegations.

Following up on our telephone conversations this evening, Defendants' position respecting the United States' letter is as follows:

1. Resolved and Pending Prosecutions: There are no disagreements between the United States and Defendants regarding the information the United States has offered to provide relating to resolved and pending prosecutions from LIONS and ACTS, nationwide, between 2004-present, based on our understanding that when the United States says "election fraud prosecutions," it is referring to each type of election or voting-related "resolved and pending prosecutions," which is coded in ACTS and LIONS.
2. Non-Prosecuted Allegations:
  - a. Defendants are amenable to the United States producing the LIONS and ACTS information relating to "matters" nationwide, between 2004-present, without the United States providing the "geographical location in which any investigated matter arises", so long as the United States provides the other information it offers to provide in its letter. This agreement is based on our understanding that when the United States says "election fraud 'matters'", it is referring to each type of election or voting-related "matter", which is coded in ACTS and LIONS.
  - b. Defendants continue to take issue with the United States' refusal to produce any information relating to voter fraud and election crimes from the Federal Bureau of Investigation (the "FBI"), including its investigatory case tracking system, SENTINEL. Defendants propose that the United States limit SENTINEL to any information regarding Election Crimes and Voter Fraud in the State of Texas, from 2004 to the present.
3. Though I did not explicitly propose this on our calls, Defendants take a similar issue with the United States' refusal to produce any information from the U.S. Attorney's Offices beyond the information in LIONS (i.e. they refuse to produce any information regarding files or referrals or other forms of information relating to Election Crimes and Voter Fraud that an Assistant U.S. Attorney worked on for less than one hour). Defendants would propose that the United States also provide information, in a similar format to the

information it is providing in Paragraph 2.a, possessed by the United States Attorney's Offices in Texas relating to voter fraud and election crimes since 2004, which would not have been entered into LIONS.

4. While we attempt to work out the issues identified in Paragraph 2(b) and 3, Defendants would request that the United States identify its designee(s) for the 30(b)(6) deposition of the United States, and produce the information identified in Paragraphs #1 and #2, and any other information to which the parties agree the United States will produce, or the Court orders the United States to produce, by the close of business on Monday, August 18. We would ask that the deposition of the United States be scheduled on either Thursday, August 21, Monday, August 25, or Tuesday, August 26. Please advise if the United States is amenable to this schedule.

Regards,

**Lindsey E. Wolf | Assistant Attorney General | Financial Litigation, Tax, and Charitable Trusts Division** | 300 West 15th Street, 6th Floor, Austin, Texas 78701 | Mail: [P O Box 12548 | Austin, TX 78711-2548](mailto:P O Box 12548 | Austin, TX 78711-2548) | [\(512\) 475-4233](tel:(512) 475-4233) | Fax: [\(512\) 370-9126](tel:(512) 370-9126) | e-mail: [Lindsey.Wolf@texasattorneygeneral.gov](mailto:Lindsey.Wolf@texasattorneygeneral.gov)

On Aug 14, 2014, at 4:38 PM, "Heard, Bradley (CRT)" <[Bradley.Heard@usdoj.gov](mailto:Bradley.Heard@usdoj.gov)> wrote:

David (and TX Counsel):

Thank you for sending along the charts. Please review the attached correspondence, which contains our revised proposal regarding production. We have asked for Defendants' written response thereto by 9:00 pm EDT this evening, given the Court's currently-scheduled hearing at 8:30 am CDT tomorrow. I will be in the office for another hour or so and then available by BlackBerry at thereafter.  
Thank you.

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**Bradley E. Heard**

*Trial Attorney*

U.S. Department of Justice

Civil Rights Division, Voting Section

Phone: (202) 305-4196

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**From:** Whitley, David [<mailto:david.whitley@texasattorneygeneral.gov>]

**Sent:** Thursday, August 14, 2014 12:53 PM

**To:** Heard, Bradley (CRT); Wolf, Lindsey

**Cc:** All Corpus Christi Section 2 Case Group; Shapiro, Avner (CRT); Gear, Bruce (CRT); Freeman, Daniel (CRT); [bdonnell@dakpc.com](mailto:bdonnell@dakpc.com); Westfall, Elizabeth (CRT); Rosenberg, Ezra;

Maranzano, Jennifer (CRT); Clay, Reed; Dellheim, Richard (CRT); Berman, Robert (CRT); King, Ryan (CRT); Baldwin, Anna (CRT); Scott, John  
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Bradley,

Lindsey is in a deposition, and I'm working as we speak to track this down for you.

Thanks,  
David

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**From:** Heard, Bradley (CRT) [<mailto:Bradley.Heard@usdoj.gov>]  
**Sent:** Thursday, August 14, 2014 10:56 AM  
**To:** Whitley, David; Wolf, Lindsey  
**Cc:** All Corpus Christi Section 2 Case Group; Shapiro, Avner (CRT); Gear, Bruce (CRT); Freeman, Daniel (CRT); [bdonnell@dakpc.com](mailto:bdonnell@dakpc.com); Westfall, Elizabeth (CRT); Rosenberg, Ezra; Maranzano, Jennifer (CRT); Clay, Reed; Dellheim, Richard (CRT); Berman, Robert (CRT); King, Ryan (CRT); Baldwin, Anna (CRT); Scott, John  
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David & Lindsey –

To facilitate the additional consultation that the Court just requested, please send us, as soon as possible, in a reply email, the exact charts that you just referenced with the Court. Thanks very much.

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**Bradley E. Heard**  
*Trial Attorney*  
U.S. Department of Justice  
Civil Rights Division, Voting Section  
Phone: (202) 305-4196

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**From:** Heard, Bradley (CRT)  
**Sent:** Wednesday, August 13, 2014 6:09 PM  
**To:** 'Whitley, David'  
**Cc:** 'All Corpus Christi Section 2 Case Group'; Shapiro, Avner (CRT); Gear, Bruce (CRT); Freeman, Daniel (CRT); [bdonnell@dakpc.com](mailto:bdonnell@dakpc.com); Westfall, Elizabeth (CRT); 'Rosenberg, Ezra'; Maranzano, Jennifer (CRT); 'Clay, Reed'; Dellheim, Richard (CRT); Berman, Robert (CRT); King, Ryan (CRT); Baldwin, Anna (CRT); 'Scott, John'; Wolf, Lindsey  
**Subject:** Veasey v. Perry - 30(b)(6) Dep of US and Defendants' Motion to Compel

Dear David:

Please review the attached letter in response to your request of yesterday. Thank you.

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**Bradley E. Heard**

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